

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE APPLE IPHONE ANTITRUST
LITIGATION

No. 4:11-cv-06714-YGR

STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING SCHEDULE

DONALD R. CAMERON, et al.,

No. 4:19-cv-03074-YGR

Plaintiffs,

v.

APPLE INC.

Defendant.

Pursuant to Civil Local Rule 6-2, Plaintiffs in the above-captioned actions, including Plaintiffs Robert Pepper, Stephen H. Schwartz, Edward W. Hayter, and Edward Lawrence, plaintiffs in *In re Apple iPhone Antitrust Litigation*, Case No. 4:11-cv-06714-YGR (collectively, “Consumer Plaintiffs”); Plaintiffs Donald R. Cameron, Pure Sweat Basketball, Inc., and Barry Sermons, plaintiffs in *Cameron, et al. v. Apple Inc.*, Case No. 4:19-cv-03074-YGR (collectively, “Developer Plaintiffs”); and Defendant Apple Inc. (“Defendant”) (collectively, the “Parties”), by and through their respective counsel, hereby agree as follows:

WHEREAS, on January 9, 2020, this Court entered a Revised Case Management and Pretrial Order (ECF No. 84 (Case No. 4:19-cv-03074-YGR); ECF No. 198 (Case No. 4:11-cv-06714-YGR));

WHEREAS, pursuant to this Revised Case Management and Pretrial Order, among other events and deadlines, class certification motions and supporting expert reports are due on September 30, 2020, class certification opposition and supporting expert reports are due on December 7, 2020, and class certification replies are due on January 8, 2021 (*see id.*);

WHEREAS, because of the current worldwide COVID-19 pandemic, the Parties, their counsel, their employees, and their expert consultants have been and are currently under travel restrictions, “shelter in place” orders, and other congregation limitations in California and elsewhere and are, in some cases, now caring for young children during business hours in addition to diligently working on this litigation;

WHEREAS, despite restrictions associated with the COVID-19 pandemic, the Parties have been working diligently on discovery, but, among other things, the restrictions have made the Parties’ collection, review, and production of documents and data more challenging;

WHEREAS, Defendant communicated to Consumer Plaintiffs and Developer Plaintiffs on February 10, 2020 and thereafter that it expects to substantially complete production of documents and data in July 2020 but was hoping to do so sooner, and on April 23, 2020 stated that it would substantially complete production by July 31, 2020;

WHEREAS, in light of the foregoing, Developer Plaintiffs and Consumer Plaintiffs have concluded, given careful consideration of the estimated substantial volume of the data and documents that have been and will be produced, that they and their experts will require additional

1 time than that afforded by the current deadline of September 30, 2020, between substantial
 2 completion of production of documents and data by Defendant, which are critical to their class
 3 certification motions and reports, and the deadline for submission of their class certification motions
 4 and supporting experts' reports, including time: to process, clean, and review the data and
 5 documents; to obtain answers from Defendant to questions about the meaning and structure of the
 6 data; to propound follow-up written discovery and take depositions (both depositions pursuant to
 7 Rule 30(b)(1) and Rule 30(b)(6)); and then to incorporate analysis of the discovery into their class
 8 certification expert reports and motions;

9 WHEREAS, the Parties thus believe that good cause exists for an extension of approximately
 10 four months (126 days) on the deadline for class certification motions and supporting expert reports
 11 that are currently due on September 30, 2020, as well as corresponding extensions (126 days for
 12 each) on subsequent associated pretrial deadlines;

13 WHEREAS, the Parties have not previously requested an extension to the class certification
 14 deadlines;

15 WHEREAS, the Revised Case Management and Pretrial Order also sets certain trial-related
 16 dates and deadlines in 2022, including a Compliance Hearing set for January 28, 2022, a Joint
 17 Pretrial Conference Statement due on February 4, 2022, a Pretrial Conference on February 18, 2022,
 18 and a Trial Date of March 7, 2022 (ECF No. 84 (Case No. 4:19-cv-03074-YGR); ECF No. 198 (Case
 19 No. 4:11-cv-06714-YGR));

20 WHEREAS, due to the proposed four-months extensions on the class certification and
 21 associated deadlines discussed *supra*, the Parties believe that these trial-related deadlines and dates
 22 should also be extended by approximately four months (126 days);

23 WHEREAS, pursuant to Civil Local Rule 6-2(a)(2), the previous time modifications in
 24 Consumer Plaintiffs' case are as follows (ECF numbers correspond to the Consumer Plaintiffs'
 25 docket in Case No. 4:11-cv-06714-YGR):

- 26 1. On March 29, 2012, the Court granted a motion to shorten time on briefing and
 27 hearing of Consumer Plaintiffs' Motion for Appointment of Interim Class Counsel
 28 (ECF No. 31);

2. On April 13, 2012, the Court extended Apple's time to respond to Consumer Plaintiffs' Consolidated Complaint and extended time to file an opposition brief (ECF No. 35);
3. On May 14, 2012, the Court extended Apple's deadline for filing its reply in support of its motion to dismiss Consumer Plaintiffs' Consolidated Complaint (ECF No. 49);
4. On July 25, 2012, the Court extended Consumer Plaintiffs' time to file an Amended Complaint (ECF No. 77);
5. On October 18, 2012, the Court extended Apple's time to respond to Consumer Plaintiffs' Amended Consolidated Class Action Complaint (ECF No. 83);
6. On November 15, 2012, the Court extended the briefing schedule on Apple's motion to dismiss Consumer Plaintiffs' Amended Consolidated Complaint (ECF No. 93);
7. On January 24, 2013, the Court continued the hearing on Apple's motion to dismiss Consumer Plaintiffs' Amended Consolidated Class Action Complaint (ECF No. 105);
8. On September 11, 2013, the Court extended by seven days Apple's deadline to respond to Consumer Plaintiffs' Second Amended Complaint (ECF No. 114);
9. On September 5, 2019, the Court continued the Case Management Conference from September 13, 2019 to October 7, 2019 (ECF No. 170);
10. On January 9, 2020, the Court continued a further case management conference from January 13, 2020 to August 3, 2020 (ECF No. 197); and
11. On March 26, 2020, the Court extended the deadline to complete private mediation to July 30, 2020 (ECF No. 205);

WHEREAS, pursuant to Civil Local Rule 6-2(a)(2), the previous time modifications in Developer Plaintiffs' case are as follows (ECF numbers correspond to the Developer Plaintiffs' docket in Case No. 4:19-cv-03074-YGR):

1. On September 5, 2019, the Court continued a case management conference from September 13, 2019 to October 7, 2019 (ECF No. 46);

2. On September 16, 2019, the Court extended time for Apple to answer the complaint filed by Plaintiffs Donald R. Cameron and Pure Sweat Basketball, Inc. (ECF No. 48);
3. On January 9, 2020, the Court continued a further case management conference from January 13, 2020 to August 3, 2020 (ECF No. 84); and
4. On March 26, 2020, the Court extended the deadline to complete private mediation to July 30, 2020 (ECF No. 89).

WHEREAS, the Parties respectfully submit that good cause exists to continue the class certification and other deadlines as discussed in this stipulation.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the Parties, through their respective counsel and subject to approval of the Court, to the entry of an Order providing that the schedule shall be modified as follows:

PRETRIAL SCHEDULE

EVENT	PRESENT DEADLINE	PROPOSED DEADLINE
Further Case Management Conference	Monday, August 3, 2020 at 2:00 p.m.	Same
Updated Joint Case Management Statement Due	July 27, 2020	Same
Private Mediation to be Completed by	July 30, 2020	Same
Commencement of Discovery	October 7, 2019	Same
Exchange of Initial Disclosures	October 14, 2019	Same
Deadline to Complete Fact Discovery	60 days after decision on class certification	Same
Last Discovery Motions Filed by	30 days prior to close of discovery	Same
Class Certification Motion and Supporting Expert Reports Due	September 30, 2020	February 3, 2021

EVENT	PRESENT DEADLINE	PROPOSED DEADLINE
Class Certification Opposition and Supporting Expert Reports Due	December 7, 2020	April 12, 2021
Class Certification Reply	January 8, 2021	May 14, 2021
Hearing on Class Certification	February 1, 2021 at 10:00 a.m.	June 7, 2021 at 10:00 a.m.
Disclosure of Expert Reports: All Experts, Retained and Non-Retained Must Provide Written Reports Compliant with FRCP 26(A)(2)(B)		
Parties' Expert Reports Filed by	60 days after decision on class certification	Same
Rebuttal Expert Reports Filed by	45 days after submission of initial expert reports	Same
Expert Discovery Cutoff:	30 days after submission of rebuttal expert reports	Same
Dispositive Motions ¹ / Daubert Motions to be Filed by	45 days after close of expert discovery	Same
Dispositive Motion / Daubert Motion Opposition Brief Filed by	45 days after opening brief is filed	Same
Dispositive Motion / Daubert Motion Reply Brief Filed by	30 days after opposition brief is filed	Same
Compliance Hearing (<i>see below</i>)	Friday, January 28, 2022 at 9:01 a.m.	Friday, June 3, 2022 at 9:01 a.m.
Joint Pretrial Conference Statement Due	February 4, 2022	June 10, 2022
Pretrial Conference	Friday, February 18, 2022 at 9:00 a.m.	Friday, June 24, 2022 at 9:00 a.m.

¹ See Standing Order regarding Pre-filing Conference Requirements for motions for summary judgment.

EVENT	PRESENT DEADLINE	PROPOSED DEADLINE
Trial Date	Monday, March 7, 2022 at 8:30 a.m. for Jury Trial	Monday, July 11, 2022 at 8:30 a.m. for Jury Trial

Pursuant to the Court's Pretrial Instructions in Civil Cases at Section 2, trial counsel shall meet and confer in advance of the Pretrial Conference. The compliance hearing on Friday, June 3, 2022 at 9:01 a.m. is intended to confirm that counsel have reviewed the Court's Pretrial Setting Instructions and are in compliance therewith. The compliance hearing shall be held in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 1. Five (5) business days prior to the date of the compliance hearing, the parties shall file a one-page JOINT STATEMENT confirming they have complied with this requirement or explaining their failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances will be allowed if the parties have submitted a joint statement in a timely fashion. Failure to do so may result in sanctions.

The parties must comply with both the Court's Standing Order in Civil Cases and Standing Order for Pretrial Instructions in Civil Cases for additional deadlines and procedures. All Standing Orders are available on the Court's website at <http://www.cand.uscourts.gov/ygrorders>.

IT IS SO STIPULATED

DATED: May 27, 2020

HAGENS BERMAN SOBOL SHAPIRO LLP

By: s/ Steve W. Berman
STEVE W. BERMAN (*pro hac vice*)

Robert F. Lopez (*pro hac vice*)
steve@hbsslaw.com
rob@hbsslaw.com
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Shana E. Scarlett (SBN 217895)
Benjamin J. Siegel (SBN 256260)
HAGENS BERMAN SOBOL SHAPIRO LLP
shanas@hbsslaw.com

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Case Nos.: 11-cv-06714-YGR; 19-cv-03074-YGR

1 bens@hbsslaw.com
2 715 Hearst Avenue, Suite 202
3 Berkeley, CA 94710
4 Telephone: (510) 725-3000
5 Facsimile: (510) 725-3001

6 *Interim Class Counsel for the Developer Plaintiffs*

7 DATED: May 27, 2020

8 WOLF HALDENSTEIN ADLER
9 FREEMAN & HERZ LLP

10 By: s/ Rachele R. Byrd
11 RACHELE R. BYRD (190634)

12 Brittany N. Dejong (258766)
13 750 B Street, Suite 1820
14 San Diego, CA 92101
15 Telephone: 619/239-4599
16 Facsimile: 619/234-4599
17 byrd@whafh.com
18 dejong@whafh.com

19 Mark C. Rifkin (*pro hac vice*)
20 Matthew M. Guiney (*pro hac vice*)
21 WOLF HALDENSTEIN ADLER
22 FREEMAN & HERZ LLP
23 270 Madison Avenue
24 New York, New York 10016
25 Telephone: 212/545-4600
26 Facsimile: 212/545-4677
27 rifkin@whafh.com
28 guiney@whafh.com

Interim Class Counsel for the Consumer Plaintiffs

 DATED: May 27, 2020

 GIBSON, DUNN & CRUTCHER LLP

 By: s/ Cynthia E. Richman
 CYNTHIA E. RICHMAN (*pro hac vice*)

 1050 Connecticut Avenue, N.W.
 Washington, DC 20036-5306
 Telephone: 202.955.8234
 Facsimile: 202.530.9691
 crichman@gibsondunn.com

 Theodore J. Boutrous Jr. (SBN 132099)
 tboutrous@gibsondunn.com
 Richard J. Doren (SBN 124666)
 rdoren@gibsondunn.com
 Daniel G. Swanson (SBN 116556)

dswanson@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Veronica S. Lewis (*pro hac vice*)
vlewis@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900

Ethan Dettmer(SBN 196046)
edettmer@gibsondunn.com
Eli M. Lazarus (SBN 284082)
elazarus@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant Apple Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 2, 2020



THE HONORABLE YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE